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February 25, 2015

**VIA ECF**

Magistrate Judge A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: Official Committee of Unsecured Creditors of Exeter Holding, Ltd.  
v. Linda Haltman, et al.  
Case No.: 13-CV-05475-JS-AKT

Dear Magistrate Judge Tomlinson:

Cullen and Dykman LLP (“C&D”) is counsel for defendants Bruce and Kathleen Frank, among others, in this action.<sup>1</sup> This letter is written pursuant to the request of Your Honor at the conference held in the above-referenced case yesterday.

As Your Honor is aware, C&D has moved to be relieved as counsel to all of the Frank Defendants except the minor children and the trusts. That motion was made to Judge Seybert, who has scheduled a hearing upon the motion for March 10, 2015. Pursuant to Your Honor’s direction, the parties are to hold a “meet and confer” with respect to outstanding discovery issues by Friday, February 27, 2015. C&D, together with Bruce Frank, participated in a meet and confer today. It remains unclear at this time whether the meet and confer will result in a successful conclusion.

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<sup>1</sup> Cullen and Dykman LLP represents the following: Bruce Frank, Bruce Frank as Trustee for the Arnold and Sondra Frank Irrevocable Trust; Bruce Frank as Trustee for the B.F. Trust; Bruce Frank as Trustee for the E.F. Trust; Bruce Frank as Trustee for the J.F. Trust; Bruce Frank as Trustee for the K.F. Trust; Bruce Frank as Guardian of Minor B.F.; Bruce Frank as Guardian of Minor E.F.; Bruce Frank as Guardian of Minor J.F.; Bruce Frank as Guardian of Minor K.F.; Kathleen Frank; Kathleen Frank as Trustee for the B.F. Trust; Kathleen Frank as Trustee for the E.F. Trust; Kathleen Frank as Trustee for the J.F. Trust; Kathleen Frank as Trustee for the K.F. Trust; Kathleen Frank as Guardian of Minor B.F.; Kathleen Frank as Guardian of Minor E.F.; Kathleen Frank as Guardian of Minor J.F.; Kathleen Frank as Guardian of Minor K.F.; B.F. Trust; E.F. Trust; J.F. Trust; K.F. Trust; B.F.; E.F.; J.F.; and K.F. (“Frank Defendants”).

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*CULLENandDYKMAN LLP*

Moreover, the plaintiff has made a motion for sanctions due to spoliation of evidence, requesting relief against Bruce Frank among other parties. Mr. Frank's opposition to that motion is presently due on March 9, 2015, the day before the hearing on C&D's motion to be relieved as counsel. Again, because of the lack of communication, C&D is not in a position to respond in any meaningful manner to the sanctions motion. Requiring C&D to file papers on behalf of Bruce Frank while our motion to be relieved is pending would work an unfair burden on the firm since the firm cannot properly defend Mr. Frank with respect to that motion. Accordingly, we request that you grant Bruce Frank a 21-30 day extension of time to respond to the sanctions motion in order for him or any counsel he may retain to do so. This request is not a delay tactic as suggested by the plaintiff. The short extension of time is indeed primarily for the benefit of C&D in the first instance so that the firm is not put in an unfair position. Also, a short extension of time to respond to the sanctions motion will not delay any of the other proceedings that are pending in this action.

Based on the foregoing, C&D requests that the Court grant the relief set forth herein. Thank you for your courtesies.

Respectfully submitted,



Bonnie L. Pollack

cc.: All Counsel (Via ECF)  
Bruce Frank (via email)